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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on December 12, 2006

Date of Meeting: October 24, 2006

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:39 p.m. on Tuesday, October 24, 2006, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra  
Carol W. West  
Karin Uhlich  
Shirley C. Scott  
Steve Leal  
Nina J. Trasoff  
Robert E. Walkup

Council Member Ward 1  
Vice Mayor, Council Member Ward 2  
Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Council Member Ward 6  
Mayor

Staff Members Present:

Mike Hein  
Michael Rankin  
Kathleen S. Detrick  
Mike Letcher

City Manager  
City Attorney  
City Clerk  
Deputy City Manager

Kathleen S. Detrick, City Clerk, announced Gabriela Rojas, interpreter, would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Jaime De Leon, St. John's United Methodist Church, after which the pledge of allegiance was led by the Youth Ambassadors for the American Diabetes Association, and presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed October 22, 2006 through October 28, 2006, to be "National Save for Retirement Week." Mike Hermanson, Finance Manager, was there to accept the proclamation.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 574, dated October 24, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Vice Mayor West announced the Positive Aging Conference for Women, scheduled for October 26, 2006, was full, and that the keynote speaker, Nina Roosevelt Gibson, had to cancel due to illness.
- b. Council Member Trasoff thanked everyone who attended the Ward 6 Forum on the propositions. The League of Women Voters would be scheduling other forums and she urged those who needed more information on the propositions to attend.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 575, dated October 24, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. Fire Chief Newburn was ill and he wished him a speedy recovery.

- b. Police Chief Richard Miranda received a “Friend of NOBLE Award” from the National Organization of Black Law Enforcement Executives. Chief Miranda would be at the Douglas Nelson Law Enforcement Ball in Glendale, Arizona on October 28, 2006, to accept the award.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 578, dated October 24, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. New License(s)

NOTE: There were no applications for licenses scheduled for this meeting.

- c. Special Event

1. Glassman Foundation, Ward 2  
6503 E. Tanque Verde  
Applicant: Don W. Haskell  
City T69-06  
Date of Event: November 12, 2006  
Fundraiser for Local Children’s Charities  
Staff has indicated the applicant is in compliance with city requirements.
2. The University of Arizona Alumni Association, Ward 6  
1303 E. University Blvd.  
Applicant: Nancy Daru Yaeli  
City T70-06  
Date of Event: November 9, 2006  
UA Class of 1956 Golden Reunion  
Staff has indicated the applicant is in compliance with city requirements.
3. Salpointe Catholic High School, Ward 3  
1545 E. Copper St.  
Applicant: Joan M. Mutterperl  
City T74-06  
Date of Event: November 18, 2006  
Fundraising  
Public Opinion: Written Argument Opposed Filed  
Staff has indicated the applicant is in compliance with city requirements.  
Considered separately.

4. University of Arizona School of Theatre Arts, Ward 6  
1038 N. Park Ave.  
Applicant: Albert Dendy Tucci  
City T79-06  
Date of Event: November 18, 2006  
70th Anniversary Gala Fundraiser  
Staff has indicated the applicant is in compliance with city requirements.
5. Tucson Medical Center Foundation, Ward 1  
3645 W. Starr Pass  
Applicant: Susan Wilmot Hawk  
City T80-06  
Date of Event: November 3, 2006  
Fundraiser for Children's Miracle Network at TMC  
Staff has indicated the applicant is in requirements with city requirements.
6. Tucson Celtic Festival Association, Ward 3  
4502 N. 1st Ave.  
Applicant: Sharon Ann Caldwell  
City T81-06  
Date of Event: November 3 & 4, 2006  
A Cultural Festival, Tucson Celtic Festival & Scottish Highland Games  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

NOTE: There were no agent changes scheduled for this meeting.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5c1 through 5c6, with the exception of item 5c3 which was considered separately, to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

c. Special Event

3. Salpointe Catholic High School, Ward 3  
1545 E. Copper St.  
Applicant: Joan M. Mutterperl  
City T74-06  
Date of Event: November 18, 2006  
Fundraising  
Public Opinion: Written Argument Opposed Filed  
Staff has indicated the applicant is in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced the item to be considered separately was 5c3, a special event application for Salpointe Catholic High School, City T74-06. Staff indicated the applicant was in compliance, however a written argument opposing the application had been filed. This is located in Ward 3.

Council Member Uhlich asked if a representative or the applicant was present, or if the protester was present. There was no one. Council Member Uhlich made it known that the Ward 3 staff did follow up with the host of the event, Salpointe High School. They sought assurances on how the event would be run, and reconfirmed that professional bartenders were hired for the event to make sure that people did not drink excessively. It was also reconfirmed that there would be security on site, as there had been in the past.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward special event liquor license application 5c3, City T74-06, Salpointe Catholic High School, to the Arizona State Liquor Board with a recommendation for approval.

## **6. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations, and Call to the Audience was scheduled to last for thirty minutes.

- a. Robert Reus spoke about the West Nile Virus outbreak and the policies the City has undertaken to address the problem.
- b. Michael Toney spoke about the Rio Nuevo Multi-Purpose Facilities District and the Arena.
- c. David Carter spoke about the Downtown Area Infill Incentive District and suggested some changes to the plan.
- d. Russ Dove spoke about his plans to be at the polling places on the south side on Election Day.
- e. Lori Lustig, representing Southern Arizona Home Builders Association, distributed a letter to the Mayor and Council regarding concerns over the ERZ/Wash policy.
- f. Ramon Gaanderse, Executive Director of Metropolitan Pima Alliance, spoke about the ERZ/Wash policy.
- g. Greg Shinn, of JRS Landscape Architects, spoke about the ERZ/Wash Policy.

## 7. CONSENT AGENDA – ITEMS A THROUGH K

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

### A. ASSURANCE AGREEMENT: (S05-109) FAIRVIEW BUSINESS PARK SUBDIVISION, LOTS 1 TO 10

1. Report from City Manager OCT24-06-568 WARD 3
2. Resolution No. 20481 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-109 of a final plat for the Fairview Business Park Subdivision, Lots 1 through 10; and declaring an emergency.

### B. FINAL PLAT: (S05-109) FAIRVIEW BUSINESS PARK SUBDIVISION, LOTS 1 TO 10

1. Report from City Manager OCT24-06-569 WARD 3
2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

### C. ASSURANCE AGREEMENT: (S06-089) THE VILLAS AT HACIENDA DEL SOL SUBDIVISION, UNITS 1 TO 218, UNITS G1 TO G29, LIMITED COMMON ELEMENTS C1 TO C205, AND COMMON ELEMENTS “A” AND “B”

1. Report from City Manager OCT24-06-570 WARD 3
2. Resolution No. 20482 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S06-089 of a final plat for the Villas at Hacienda Del Sol Subdivision, Units 1 through 218, Units G1 through G29 and Limited Common Elements C1 through C205 and Common Elements “A” and “B”; and declaring an emergency.

- D. FINAL PLAT: (S06-089) THE VILLAS AT HACIENDA DEL SOL SUBDIVISION, UNITS 1 TO 218, UNITS G1 TO G29, LIMITED COMMON ELEMENTS C1 TO C205, AND COMMON ELEMENTS “A” AND “B”
1. Report from City Manager OCT24-06-571 WARD 3
  2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- E. GRANT APPLICATION: FOR FEDERAL BROWNFIELDS FUNDS TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1. Report from City Manager OCT24-06-572 WARD 1
  2. Resolution No. 20479 relating to redevelopment; approving and authorizing submission of a Grant Application to the U.S. Environmental Protection Agency for federal Brownfields funds for the environmental site assessment and cleanup of the former Ore Mill located west of Silverbell and north of Speedway; and declaring an emergency.
- F. GRANT: ACCEPTANCE OF GRANT FUNDS FROM THE DEPARTMENT OF JUSTICE FOR THE GANG RESISTANCE, EDUCATION, AND TRAINING PROGRAM
1. Report from City Manager OCT24-06-579 CITY-WIDE
  2. Resolution No. 20483 relating to grants; approving and authorizing acceptance of a Gang Resistance, Education, and Training (G.R.E.A.T.) Award with the Department of Justice, Office of Justice Programs for the Gang Resistance, Education, and Training (G.R.E.A.T.) Program for FY 2006; and declaring an emergency.
- G. LEASE AGREEMENT: WITH THE “ARIZONA HEAT” FOR USE OF HI CORBETT STADIUM
1. Report from City Manager OCT24-06-567 CITY-WIDE
  2. Resolution No. 20484 relating to real property; authorizing and approving the Lease Agreement between the City of Tucson and Tucson Hot Sox, Inc. and Arizona Heat Concessions, Inc., both dba Arizona Heat for use of Hi Corbett Stadium to operate a Women’s National Professional Fastpitch Softball Franchise; and declaring an emergency.

H. FINAL PLAT: (S05-103) THIRD STREET RCP, LOTS 1 TO 3, AN RCP SUBDIVISION

1. Report from City Manager OCT24-06-566 WARD 6
2. City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

I. DEVELOPMENT: ESTABLISHMENT OF THE DOWNTOWN INFILL INCENTIVE DISTRICT

1. Report from City Manager OCT24-06-583 WARD 1, 3, 5, AND 6
2. Resolution 20487 relating to development; establishment of the Downtown Infill Incentive District; and declaring an emergency.

Item I was considered separately as discussed in Study Session.

J. APPROVAL OF MINUTES

1. Report from City Manager OCT24-06-580 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on September 12, 2006 and September 26, 2006.

K. BOARDS, COMMITTEES, AND COMMISSIONS: AMENDING THE MEMBERSHIP OF THE PIMA COUNTY-CITY OF TUCSON COMMISSION ON ADDICTION, PREVENTION, AND TREATMENT

1. Report from City Manager OCT24-06-582 CITY-WIDE
2. Resolution No. 20485 relating to City boards and commissions; adding an additional ex-officio member to the Pima County-City of Tucson Commission on Addiction, Prevention, and Treatment, amending Resolution 19047; and declaring an emergency.

It was moved by Vice Mayor West, duly seconded, that Consent Agenda Items A through K, with the exception of Consent Agenda Item I, which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.



Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Items A through K, with the exception of Item I, were declared passed and adopted by a roll call vote of 7 to 0.

## **7. CONSENT AGENDA – ITEMS A THROUGH K**

### **I. DEVELOPMENT: ESTABLISHMENT OF THE DOWNTOWN INFILL INCENTIVE DISTRICT**

1. Report from City Manager OCT24-06-583 WARD 1, 3, 5, AND 6
2. Resolution 20487 relating to development; establishment of the Downtown Infill Incentive District; and declaring an emergency.

Council Member Ibarra said he did not want to go over what was discussed at Study Session, but said he thought this was a tremendous tool for the City of Tucson's downtown. It would really expedite a lot of projects downtown. His concerns were with the procedure of the whole process. He said it was not right for the item to be on the Consent Agenda, and he did not think it was right not to have a public hearing on it. Most importantly, he felt there should have been neighborhood notification on this.

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Item I be continued until the meeting of November 7, 2006, where there would be a public hearing scheduled, and they would add the aspect of a neighborhood meeting instead of a notification.

Council Member Uhlich brought up Proposition 207. She knew there was concern about implementation and timelines. She asked if this was the kind of thing that could be affected by Proposition 207, and could the City be pre-empted by the State's authority.

Mike Rankin, City Attorney, said he did not anticipate that the resolution would be affected by Proposition 207, but also said there was a lot of uncertainty with Proposition 207 and what it would actually apply to. He also said if the Mayor and Council were to act on this item on November 7, as was anticipated in the motion, then it would beat the effective date of Proposition 207. The Council's action would not be affected by Proposition 207, even if the proposition was adopted.

Vice Mayor West mentioned that the Rio Nuevo Subcommittee had done a considerable amount of outreach with the surrounding property owners. It seemed to her

that this resolution could be passed with some compromises, and therefore made a substitute motion.

Substitute motion by Vice Mayor West, duly seconded, to adopt Resolution 20487, with an amendment to require a neighborhood meeting to inform the public.

Mayor Walkup asked if there was any further discussion.

Council Member Trasoff wanted clarification, and asked if that meant that within the regulation of the infill, the applicant would in addition, have to work with the affected parties, outline issues and responses before they went to staff for review, must also hold a neighborhood meeting, and she presumed that neighborhood meeting would be all impacted neighbors, not just one. She understood Council Member Ibarra's motion and in so many ways she agreed on everything. She was nervous about the proposition passing, which would virtually take away the City's right to zone. It would be harmful for the City to manage growth in an intelligent manner, and she was wary of letting anything go for that reason. She added it was heard on September 2, July 27, and August 10, at the Rio Nuevo/Downtown, Arts, Culture and History Subcommittee. It was also presented to the Environment, Planning and Resource Management Subcommittee; and the Metropolitan Housing Commission's Downtown Housing Issues Subcommittee heard it on September 28. Presentations were also given at the Transportation Enterprise Area Management Oversight (TEAM/Parkwise) Commission, and the Rio Nuevo Citizens Advisory Committee. There were also discussions with non City groups, including the Tucson Metropolitan Chamber of Commerce and the Real Estate Institute.

Council Member Trasoff said there was something very positive to be said about a public hearing. However, she was more concerned about the proposition in this particular incidence. That was why she seconded the substitute motion and why she believed it was important that they move forward now. One final point Council Member Trasoff made was that in the substitute motion could it be recommended that within no more than one year after adoption, staff would review and evaluate the effectiveness of the incentive and report back to Mayor and Council. That would leave the Mayor and Council room to make the adjustments, and felt it could be done in less than one year if need be.

Vice Mayor West accepted the amendments to her substitute motion.

Council Member Ibarra said he supported the substitute motion. He said it seemed like the Mayor and Council wanted to move forward. He added it was an excellent tool that they would have to really make huge leaps in downtown. His issues were with procedures, and the neighborhood notification and neighborhood meeting. He stated that Vice Mayor West had graciously included that in her substitute motion, so he would support it. He said that in the future, he would ask staff to not put something like this item on the Consent Agenda. Instead it should be scheduled for a public hearing. He reiterated that it was a great tool and commended City staff on their tremendous work.

Council Member Leal said he thought the amount of work the City had done with user groups and subcommittees had been significant. He said the City could not confuse honoring their rights and desire for input on the creating of an ordinance with satisfying the needs and rights of adjacent property owners or neighborhoods with the application of an ordinance. He said Vice Mayor West was right to amend her motion to include that neighborhood outreach for the projects as they occur and have the ordinance applied to them. That brought about the best of both worlds and had the kind of inclusion that was missing before.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Item I, as amended, was declared passed and adopted by a roll call vote of 7 to 0.

**8. PUBLIC HEARING: INTERIM LAND USE CODE AMENDMENT – RESIDENTIAL CLUSTER PROJECT (RCP)**

Mayor Walkup announced City Manager's communication number 584, dated October 24, 2006, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed amendment to the *Land Use Code*. Mayor Walkup called on staff to make a brief presentation prior to the public hearing.

Albert Elias, Urban Planning and Design, Director, gave a brief presentation. He said this was a public hearing on a *Land Use Code* Amendment that applied to residential cluster projects that were less than five acres. The consideration in Option A was to create a full notice procedure for those kinds of residential cluster projects. He stated the Planning Commission held several public hearings on this item and forwarded their recommendation to the Mayor and Council, which was included in their packet. If the Council had any further questions regarding any of the information around Option A or Option B, staff would be ready to answer questions.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations.

Janet Burner, spoke about the Interim *Land Use Code* Amendment. As a standing member of The Lofts at Fifth Avenue, a native of Tucson, and property owner of a single

story historic adobe since 1976, she urged the Mayor and Council to vote 'yes' and approve Option A, an amendment to the RPC Regulations of the *Land Use Code*. She said it was important that those who were so greatly impacted by urban infill be given the opportunity to voice their opinions and legitimate concerns at a public hearing before such projects were approved. Her life was being drastically changed through no decisions of her own; her privacy and safety were greatly compromised. The issues affecting her directly were: a thirty-foot building fifteen feet from her house, with balconies overlooking her property; the possible death to a one-hundred year old tree standing fifty feet high which currently shielded her from another forty-foot building and shaded her entire property; a five-foot wall, which was to be built next to her existing seven-foot wall making it impossible for her to maintain her wall, as well as making it a stepping stone for intruders; an exhaust vent for the parking garage located right next to her home; and noise and fumes from a swimming pool to be built adjacent to her on the west.

Ms. Burner stated the project had not even begun, but she has endured her house shaking, her windows rattling for a month, during the demolition of the old YMCA, which was located seventy-five feet from her house. On May 25, she said her house shook so violently, that her walls cracked. Neither the developer, nor the demolition company has addressed the issue. She asked if there were existing regulations in the current *Land Use Code*, which could protect her, her property, her privacy and her safety. She asked if the Council had not been elected by people such as herself, to protect those rights, and asked if it was fair that such important issues as these had been so grossly neglected. She told the Council she signed an appeal about this particular RCP. Though they were never notified of the RCP, their appeal was found untimely. Therefore, their issues were never addressed and the final plat plan was approved.

Ms. Burner stated The Lofts at Fifth Avenue could have been designed so as to compliment their historic neighborhood, and not to invade the privacy of the existing homes surrounding it. She urged the Council not to allow that to happen to anyone else. She urged them to vote on Option A.

Michael Toney said he was convinced about Option A, after having attended some meetings about it. He was not sure about the Zoning Examiner's full notice procedure. He said he spoke with the Zoning Examiner, who said he could only enforce policy. Therefore, if there were no design criteria, development standards, or the other aspects in the *Land Use Code* that were attached to the policy, the Zoning Examiner would not be able to do anything himself. He said the Council might be able to do what the neighborhoods requested, although this did not come forth during the Presidio Terrace's situation, where they said the Presidio Terrace was one of the parties involved in the negotiations. Those were his major concerns, and he said he understood what Ms. Burner spoke about.

Lori Lustig, representing the Southern Arizona Home Builders Association (SAHBA), presented the Council with some additional handouts, which she wanted entered into the public record. She was disturbed to find that the letter they submitted

into the record at the Planning Commission public hearing was not included in the Council's materials. At least it was not online, with what she printed off the computer. She said it might be that she just did not find it, but they did submit a letter and testified at the public hearing before the Planning Commission. She also presented a copy of their October 2006 newsletter. The headlines read "The City of Tucson Planning Commission Says 'No' to Infill Development". That was the message they were getting on the RCP Option A.

Ms. Lustig told the Council the letter she presented to them told them that this "Band-Aid" fix, this amendment – temporary solution, was singling out builders solely on the basis that they were developing or asking to develop five acres or less with an RCP. She told the Council the RCP had been in place for a while now, and it gave the developer-builder an opportunity to do flexible designs on smaller infill urban lots. Builders who were building more than five acres were not subject to it. She said this really boiled down to an issue of whether or not it was economically feasible for the builder to go ahead and develop parcels of five acres or less, using the RCP with the new amendment. What the amendment would do was open up the process to neighborhood protests. She said that might sound good on the one hand; but it would tie up the builders doing good projects. Ms. Lustig said several on the Council have told her that they were not all bad builders, and generally not SAHBA members, and that SAHBA members were doing good projects. The problem was that they pull them in only on the basis of the acreage.

Ms. Lustig said if it could not be penciled out on the bottom line, they would not build. This was hard-zoned land. If they were not able to access the RCP, then they would either develop it or sell it to somebody who would develop it into a mini-dorm, an A-Frame, exactly the kinds of development they did not want to encourage. She said that would be the type of development that would go up, because that was easy; it was hard-zoned. They would not have to ask the neighbors anything. They would not have to get permission. There would not be a public hearing, and they could make their bottom line and move on.

Ms. Lustig told the Council there were less than one dozen builders who were affected by this, and half of those dozen were building larger size projects. They would not encounter this because they would not develop less than six acres. The rest have told her that if they could not make it work, they would buy land elsewhere and do their projects outside the City. She said that was not what they needed for the older neighborhoods. That was not what they needed for the infill lots, where good projects were needed. She hoped the Council would reconsider, and said Option A was not acceptable. With the sunset clause, at least they knew it would be retired at a certain point so they could have time to work on a permanent solution. She said they were asking for nine months, simply because they knew that with Christmas, New Years, and Thanksgiving, they just could not get everyone at the table to get a real solution hammered out.

Ms. Lustig stated that Option B, with the sunset clause of nine months, was acceptable and the Southern Arizona Home Builders Association would embrace that. They clearly asked the Council to give them more time, to have time to work it out without passing anything. She did not know what the Council would decide, but said the bottom line was whether or not what was passed would be economically feasible.

Daniel Williams, a member of the Planning Commission, said he was also a member of the Planning Commission Infill Subcommittee for more than a year. The Subcommittee held various public hearings in which they had input from the builders and from the neighborhoods as well. He said the RCP was originally passed in 1987, as a compromise between the neighborhoods and the builders. The builders would be able to get pseudo rezonings to allow more houses than was actually allowed by hard zoning, because it would take into consideration the acreage of the property. In exchange, there would be a list of purposes that were to be followed. Over time, those particular purposes have just gone by the wayside. Because of that, there has been a detrimental effect to the neighborhoods.

Mr. Williams said that message came out loud and clear in the public hearings. The neighborhoods gave example after example of problems they had over the years. He said there needed to be a permanent fix. The Council was being given two options that were put forward by the Planning Commission: Option A, which would get them back to where they were originally, and that would mean they would have to follow the purpose of the *Code*, which was originally intended in 1987; and Option B, just something similar to what was going on now, with very few changes, and it really would not address the problem. He said the findings of the Planning Commission were that the RCP as it existed for small developments, did not adhere to the neighborhood lifestyles and livable conditions that were there. The Planning Commission sunsetted this, but the sunset did not take effect until the actual revision of the *Code* was written and passed. Staff had been riding on the *Code* now for more than a year and they still had not submitted anything to the Planning Commission. He said he did not feel it would be good as a motion maker, that they put a sunset on it with a date, because they were not sure when staff would get something to them and they could get something to the Council for review and approval. Therefore, he recommended that the Council pass Option A, as requested by the Planning Commission.

Kathleen Skinner, representing the Tucson Metropolitan Chamber of Commerce, said they did not have an official policy on this issue, and they would like to request an extension on the approval of the proposed amendment to the *Land Use Code*, so there would be the opportunity to thoughtfully evaluate the implications of the modification on the business community. She stated the Chamber was not a member of this task force. She recently became aware that there were several hearings on the issue at the Planning Commission.

Ms. Skinner said she was concerned that several other issues seemed to get more attention at the Subcommittee level, which was discussed earlier at study session. Some issues tended to make it to several different subcommittees multiple times and were

discussed further. That was one of their concerns, that they really did not have the opportunity take a closer look at it. She said it was brought to their attention around October 12, 2006, at the Environment, Planning and Resource Management Subcommittee. From the revelation of the proposal to the Subcommittee, until now, which might be the final approval, it had been a week and a half. They asked for the opportunity to evaluate this further.

Ms. Skinner asked the Council to postpone their vote on the issue, so they could formulate an official position, as it seemed the issue did not go through the process that other issues had gone through. The fact that there were some concerns about how this would stifle recruitment and expansion of businesses in the community was certainly an issue they would be very interested in pursuing further. Since this was an interim policy, they felt there was not an immediate need to approve the proposal and requested more time to allow them to review it and its impacts.

Tracy Williams said the Mayor and Council had an opportunity at the meeting to put the Residential Cluster Project back on track. The Council could do this by putting their support behind the Planning Commission's recommendation, Option A. She said the RCP provisions were adopted March 16, 1987. The public was told the Cluster option would be in conformance with the design policies and criteria of neighborhood plans. Now, almost twenty years later, neighborhoods across town had found that the RCP design option had been misused and misinterpreted. This practice was having a noticeable negative impact on seventeen neighborhoods that were represented by one or more individuals at the September Planning Commission meeting to show their support for Option A. These neighborhoods included, but were not limited to Civano Neighborhood Association, Dodge Flower, Enchanted Hills, and others.

Ms. Williams said their home in the Tucson Mountains sat adjacent to a RCP subdivision. As soon as the neighbors were notified of the proposed RCP, they expressed their concerns to the Mayor and Council, City staff, and to the developer. They discovered the *Tumamoc Area Plan* was in direct conflict with the proposed development. However, their input was ignored. At the request of Mayor Walkup, the neighbors presented City staff with a design that adhered to the *Land Use Code*. The design set aside meaningful open space, maintained the natural wash and wildlife corridor, protected the native plants, and provided a setback buffer to the twenty-one adjacent homeowners. The elimination of just one home from the fourteen-home subdivision would have accomplished the true meaning of the RCP. She stated the purpose and intent of the RCP appeared to have been forgotten. The RCP was created to give developers flexibility with their project designs, in exchange for innovative site planning that preserved natural desert features, significant topography, and historical and archaeological resources, as well as protected the character of adjacent neighborhoods. She stated none of that happened in their well-established neighborhood. They wondered how City staff could justify the use of a huge concrete line detention-retention basin structure, as a way to meet the required calculations for open space.

Ms. Williams said over the last couple of years, the City held many public meetings with stakeholders, including the Infill Subcommittee, to discuss revisions to the RCP. At those meetings, it became clear to everyone that the RCP needed to be updated. The amendment Option A, before the Council, was an interim change that applied to parcels of land under five acres, just until the full RCP was rewritten. She said a committee was forming to work on recommendations to be presented to the Infill Subcommittee. According to the minutes taken at the Planning Commission, the sunset clause should occur only after the complete RCP revision has been adopted. She thanked the Council for restoring appreciated land use protections for neighborhoods throughout the valley.

Colette Altaffer, a member of the Neighborhood Infill Coalition, told the Council that at first blush, they might think that the public hearing was simply about amending the *Land Use Code*. She said they would be partially correct, but the hearing was about something much more fundamental to the Council's ability to govern. It was about restoring trust to a process that was seen as little more than a developer giveaway. She stated the RCP, as it was currently written and enforced, had taken away the community's voice, and provided the community with no means to address the increased noise, traffic, and parking problems that came with the level of intensity that was found with an RCP. She told the Council that they had before them several options that had been held out as a way to address the fundamental flaw of an RCP. One of those choices was Option B. While it had been held out as a balanced way to deal with the issue, it was nothing but a snare and illusion. She said that unlike Option A, which would amend the *Land Use Code*, Option B would only amend the Development Standards. Development Standards did not carry the same level of protection that the *Land Use Code* did, because they could be modified without a public hearing before the Planning Commission or the Mayor and Council. Furthermore, she said if a request was made to modify the Development Standards, neighborhoods might not even learn that such a request had been made.

Ms. Altaffer said Option B was little more than a hollow promise, and it would only guarantee that they would get more of the same. She told the Council that among those proposals, they also had something called a Modification of Development Requirement, or an MDR, as one of the amendments. An MDR would give the Development Services Director wide latitude in granting variances to the *Land Use Code* regulations. This was a very slippery slope, and was one they should take great care before they proceeded, and before they gave that level of discretion to a single individual. The State of Arizona deliberately built protections into the variance process, required public hearings, and set out well-defined findings for the granting of variances. By giving the Development Services Director the opportunity to bypass these protections, they would run the risk of replacing the transparency that came with open governance, with opacity. The potential for inconsistent applications of the *Code*, discrimination against certain applicants or corruption would increase dramatically.

Ms. Altaffer urged the Council to choose the amendment that would give the community the most open process possible - the option that would restore the promises which the purpose statements of the RCP made to the community, Option A, as it was



recommended to the Council by the Planning Commission; and work with them to begin the process of restoring the public's trust in government.

Bonnie Poulos, a member of the Neighborhood Infill Coalition and a founding member of the Campus Farm Neighborhood Association, said she was the one at the Planning Commission Infill Subcommittee who recommended that they not grant RCP's for any parcels that were five acres or under. The reason for that was the growing frustration they had over the past year trying to get the RCP rewritten, and having one delay after another. While in the process, RCP's were being granted everyday and in every neighborhood in the City. She stated they wanted to move the process along and they wanted to give some relief to the neighborhoods who were experiencing these kinds of development, until such a time when the entire RCP could be rewritten and adopted as an ordinance.

Ms. Poulos said they compromised to accept a provision that would allow RCP's on parcels five acres or under, with a special exception. That meant the neighborhoods had a chance to have a hearing before the Zoning Examiner and discuss why or why not the proposed RCP met the purposes and intent of the RCP as it was written, whether or not the RCP was clustered, whether or not the RCP was really a better development than what the hard zoning would allow. Without that, they would be asking neighborhoods and neighbors throughout the City to continue to take a back seat to development that happened right outside their doorstep, on a provision that was not currently being adhered to, because the purpose of intent did not have to be followed when an RCP was requested. She urged the Council to look at the compromise for Option A, give them some relief, and let them go ahead and move on and get the RCP rewritten and adopted as an ordinance. When that happened, this would sunset. She said to her, that was fair, honest, and was a real planning tool that could be used in the community. To say a meeting before the neighborhoods, and input from them, would stifle development was really a one-sided perspective of the process. If one had to live next to a project that changed the entire feeling of where they were living, that changed the whole look of the neighborhood, then they could understand what it meant to have input into the process of development within one's own neighborhood.

Ruth Beeker, President of the Miramonte Neighborhood Association, stated they were a half square mile in Midtown. They now had four RCP's being built, and they had about twenty parcels that she looked at, which were either vacant or had potential, the underutilized category, where they could have RCP's built. They were all under five acres. They obviously had a vested interest in what was being considered. They had also been thinking a lot about these parcels, because they were one of the lucky neighborhoods getting to put together a Neighborhood Plan. Part of that was thinking about they wanted to have happen. She said about a month ago, the Drachman Institute set up a workshop for them. Three members of the infill building community were invited to attend and have a small group workshop. This was a very exciting event for them. They were able to sit down with three people who were actually doing projects in their neighborhood, and they spoke about what they could possibly do on some of the other vacant lots. They took three existing vacant lots and theoretically sat down and

spoke about what could happen there. She stated the results were wonderful. They were asked to come up with three options of what possibly could be there, taking the neighborhood's ideas, working with sketching, as they were sitting there talking. The members of the infill building community then shared with the neighborhood, and they voted on things that they came up with, which they liked the best. She said there was total agreement among all of them in that room, about thirty Miramonte neighbors, on that one. What was really exciting was that at the end of the evening, as the builders were leaving, neighbors were intercepting them and asking what they could do to help the builders buy that land; what could be done to get that project built in their neighborhood.

Ms. Beeker said she had been thinking about how that good will, that enthusiasm, that cooperation they had that evening between builders and neighbors, could be extended into the community. She heard too often that things could not be done. She said they needed to start with the neighborhood and the builder having the same goal in mind. They both wanted to have a good product that was good for the neighborhood. From there, she was proposing that they sit and talk. Any architect that built for a private client talked to them before they went to the City and said this was the house they would build for them. It seemed preferable to her that if they could get a situation where they were not talking after the plans were done, but instead sitting down before the project began, just as they did informally that night. As a result of that meeting, her neighborhood learned about the geographic constraints, the financial considerations that the builders had to be thinking about, what some of the *Land Use Code* regulations were, and what the possible design options could be. Judging from their workshop experience, this initial discussion could be done in just a few hours, and it could result in a buy-in from the neighbors who were willing to go to bat for the developers to have flexibility and creativity. She asked the Council if that was not the original intent of the RCP.

Ms. Beeker stated the Miramonte Neighborhood Association Board asked her to communicate to the Council their support for Option A, as the interim measure, since it would ensure that the necessary conversations would take place, so that they as a community could move forward. She urged the Council to use this as an opportunity for a pilot program, to have builders and neighbors talking, and she invited anybody who wanted to be a builder, to come to the Miramonte Neighborhood and do it with them. They were ready.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10334 by number and title only.

Kathleen S. Detrick, City Clerk, announced the title for all three options was the same, so she would read only one.

Ordinance No. 10334 relating to planning and zoning; amending the Tucson Code, Chapter 23, Land Use Code; Article III Development Regulations, Division 6,

Development Incentives; Section 3.6.1 Residential Cluster Project (RCP); amending the Tucson Code, Chapter 23A, Development Compliance Code; and setting an effective date.

Council Member Uhlich said she appreciated everyone's participation, and she listened very carefully to the testimony. She wanted to make a motion to pass and adopt the interim Option A, with one modification. In the purpose statement, there were nine elements included. She suggested that if they passed and adopted Option A without any amendment, it would essentially create a moratorium, because it would be very difficult, if not impossible, for a project to meet all nine elements and in consultation with different individuals. She suggested that they move Option A, including all the public process provisions, but allow that projects may apply, so long as they demonstrate meeting no fewer than six of the nine factors outlined in the purpose statement.

It was moved by Council Member Uhlich, duly seconded, that Interim Option A, with the modification as described, be passed and adopted and the proper action taken.

Vice Mayor West stated they would not be sitting there having the conversation, if there had not been abuses by people using the RCP. She agreed with Ms. Lustig, they probably were not members of the Southern Arizona Home Builders Association. However, she also said a classic example was Ms. Williams' example of the detention improvements counting as open spaces; along with the grading of sites, complete grading in some cases; over development, such as eleven houses or condos in a one-acre development; lack of preservation of true open space; and no consideration of the topography. She said that was important. She added she did not like either Option A or B, but she would vote for the compromise. She thought staff had come up with a thoughtful consideration of something that was important to the *Land Use Code*.

Council Member Trasoff said this was an important action for the Council to take, because of the abuses. She agreed with Vice Mayor West and said if there had not been the abuses, they probably would not be having the discussion in the same way. She felt it was a reasonable compromise and said it was a time limited one. She said they had all clearly expressed to staff that they wanted a permanent RCP as quickly as was possible. She commented about Ms. Beeker and the Miramonte process, and the potential of that process. She said if they could stop seeing it as developer versus neighborhood, and find the common ground, everyone would win. Council Member Trasoff told Ms. Beeker she did know of abuses in her neighborhood and that was what really brought this issue to a head for her.

Council Member Trasoff said the Council needed to move forward with this and work in good faith with the developers. She understood the concerns expressed by Lori Lustig, and the Tucson Metropolitan Chamber of Commerce's concerns as well. However, she felt that staff could work carefully with developers and demonstrate to them that even in the interim period, they were going to be able to do creative projects they would be proud of, make money on, and make friends in the neighborhood. She did not believe these were mutually exclusive.

Mayor Walkup asked if there was any further discussion.

Ms. Detrick said that before the roll call vote, she wanted to hear from Mike Rankin, City Attorney, regarding the amendment.

Mike Rankin, City Attorney, said that pursuant to the amendment offered in the motion, the language of the proposed Option A that Council had before them would be changed as follows: Section 1 of the Ordinance, which amends Section 3.6.1, Residential Cluster Project, specifically 3.6.1.4, Development Criteria, A.3, to include the amendment offered in the motion would now read as follows: “When the RCP site area is five acres or less, architectural design of the proposed RCP shall conform to six of the purpose and intent statements, as stated in Section 3.6.1.1”, with the remainder of the language before the Council left unchanged.

Council Member Trasoff asked Mr. Rankin if it should read “six of”, or “at least six”, because there were those that might meet more and she did not know if that wording would limit them from doing even more good.

Mr. Rankin replied that “at least six” would be the preferable language, so he would include that.

Upon roll call, the results were:

Aye: Council Member Ibarra, Uhlich, Scott, Leal, and Trasoff,  
Vice Mayor West and Mayor Walkup

Nay: None

Resolution 20487, Option A, as amended, was declared passed and adopted by a roll call vote of 7 to 0.

**9. ZONING: (SE-06-27) T-MOBILE/MCGRAW – HOUGHTON ROAD, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION**

Mayor Walkup announced City Manager’s communication number 577, dated October 24, 2006, would be received into and made a part of the record. He also announced this item was a special exception land use request for property located on the west side of Houghton Road south of Escalante Road. He asked if the applicant or representative were present and if they were agreeable to the proposed conditions.

Steve Ciolic, representing T-Mobile, stated they were agreeable to the proposed conditions.

Mayor Walkup asked the City Clerk to read Ordinance 10333 by number and title only.

Ordinance No. 10333 relating to zoning; a special exception land use – communications use – McGraw – Houghton Road – West side of Houghton Road approximately 1450 feet south of Escalante road; approving with conditions the construction of a 36 foot tall cellular communications tower disguised as a saguaro in the SR zone – Case SE-06-27; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to approve the request as recommended by the Zoning Examiner, and pass and adopt Ordinance 10333.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;  
Vice Mayor West and Mayor Walkup.

Nay: None

Ordinance 10333 was declared passed and adopted by a roll call vote of 7 to 0.

**10. ZONING: (C9-06-15) SHIPLEY – MARY ANN CLEVELAND WAY AND (C9-06-16) WEINBERG – MARY ANN CLEVELAND WAY, MH-1 TO R-2, CITY MANAGER’S REPORT**

Mayor Walkup announced City Manager’s communication number 573, dated October 24, 2006, would be received into and made a part of the record. He also announced this was a request to rezone property located on Mary Ann Cleveland Way east of Houghton Road. The Zoning Examiner and Development Services recommended approval of R-1 zoning in lieu of R-2 zoning, subject to certain conditions. He asked if the applicant or representative were present, and if they were agreeable to the proposed conditions.

Michael Rossi, the applicant, said they were agreeable to the proposed conditions. He thanked staff, the neighbors, and everyone who worked with on the project.

Council Member Scott asked Al Wiruth to come forth, as he had requested an opportunity to speak on the item.

Al Wiruth, President of the Rita Ranch Neighborhood Association, thanked the Council for the opportunity to speak. He told the Council that Rita Ranch Neighborhood Association was in support of the development and rezoning of the two parcels. In reading over the Zoning Examiner’s notes, there were a couple things they had some

questions on. One was to make sure there were two points of access from the development, and it appeared from the notes from Development Services that it would happen. They knew about the one on the south, and it looked like the one on the north would be taken care of also.

Mr. Wiruth advised the Council that one of the things the Rita Ranch Neighborhood Association asked the developers was to look at the possibility of installing a pedestrian light across Mary Ann Cleveland Way, to allow pedestrian traffic to cross between that. They were anticipating there would be children within a mile of at least a high school there. This would be one of those blinking lights where one would push a button and that way traffic would flow easy, just in case the traffic warrants did not allow for a traffic light at that time, with such a small development. That was a possibility they wanted considered. Otherwise, he said everything they asked for had been put into the Zoning Examiner's notes for the Council's consideration.

It was moved by Council Member Scott, duly seconded, to authorize the request for rezoning as recommended by the Zoning Examiner.

Mayor Walkup asked if there was any discussion.

Council Member Trasoff had one question for clarification. She said when the developers met with her and showed her the program, one of the comments made was that they wanted to do lower density, but were not allowed to. She said that stunned her. She asked if there was something within how they worded the things in the Houghton Area Master Plan (HAMP). She said they did not want to increase the density, but asked if there was anything in the verbiage that would make it impossible to do fewer houses on a parcel than what it was zoned for.

Peter Gavin, Zoning Examiner, said he was not aware of any specifics in this case that would require such a density like that. He knew that in the Houghton Area Master Plan, the intent was to have a certain density to support something like a master plan community or town center. They would basically have to have an economy of scale in the development. He said that might have been the discussion she had with the applicant.

Council Member Trasoff said she did understand the economies of scale, and they were trying to do the town centers. She said this was very carefully laid out, and she was not going to come in at this point and second-guess all the work that was done. She asked if it was because this was the first development in the area. She also asked if when other developments were there, would there be sufficient weight to support the town center, or was it that, in order to be able to do what they wanted, which was with the clustering and with the town centers, and creating the kind of master planning, they needed the density in order to be able to do that.

Mr. Gavin replied that would not apply specifically for this development.

Council Member Trasoff said she was just curious. The plans were very sensitive to the washes, they did a really good job on it, but she was just not sure.

The motion to authorize the request for rezoning as recommended by the Zoning Examiner passed by a voice vote of 7 to 0.

**11. WATER: NOTICE OF INTENTION TO INCREASE CERTAIN TUCSON WATER MISCELLANEOUS FEES, AND SCHEDULING A PUBLIC HEARING FOR DECEMBER 5, 2006**

Mayor Walkup announced City Manager's communication number 581, dated October 24, 2006, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20486, by number and title only.

Resolution No. 20486 relating to water; authorizing the adoption of a Notice of Intention to increase certain water rate components and fees; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 20486 and to direct staff to file the proposed fee schedule in the City Clerk's Office and set December 5, 2006 for the public hearing regarding the proposed fee.

Mayor Walkup asked if there was any further discussion.

Council Member Leal referred to Attachment A, Summary Fees/Rates Comparison of Existing to Proposed, and said he had a couple of questions. He asked whether the information on the bottom of the page, in the category "New Metered Installation (Meter Only), (with Automatic Read Device)", indicated a person would be required to read the meter.

Marie Pearthree, Deputy Director, Tucson Water, said the meter could be read from a distance. One would not have to walk the easements or walk to the meter to read it. A transmission from the automatic reading device could be obtained from a remote location.

Council Member Leal said that was his assumption, and asked what percent of the current system was set up this way.

Ms. Pearthree said what Tucson Water had been doing was putting them in primarily new subdivisions as they came online, and also in areas where they had real difficulty with the easements. She did not have a percentage to provide the Council at the time, but said she could research it and get back to them.

Council Member Leal asked if they were doing four or five thousand meters a year.

Ms. Pearthree replied she believed the number was about five thousand.

Council Member Leal asked if she knew approximately how much was spent with the department reading meters.

Ms. Pearthree said she did not know, but would research it and get back to him with that number.

Council Member Leal said, according to the chart, the proposed rate for a Tucson Water-installed New Metered Installation with Automatic Read Device was three hundred ninety-five dollars. The proposed rate for a Tucson Water-installed New Metered Installation without the automatic read device was two hundred sixty-five dollars. He pointed out that the difference was one hundred thirty dollars. He asked if it was in the City's interest to either pay the difference or require that it be an Automatic Read Device, because of the huge cost avoidance that the City and the ratepayers would benefit from over time, by having the automatic read system. He wanted the Council to have an overview of this, because it might make sense to address it before the Council voted on the item.

Ms. Pearthree replied that the City had looked into that very closely. They conducted a substantial study on how efficient the current meter reading system was. It turned out not to be cost effective to go to automatic meter reading in a large part of the system because the meter readers were so efficient. She said she would call on staff to address the issue in more detail, as they were who actually outlined the information. She stated they reviewed it a couple of times, because it was counter-intuitive. The meter readers were very fast and they covered a lot of ground.

Council Member Leal said if they were installing four or five thousand meters per year, they would have another fifty thousand in ten years. If they could have the whole system on automatic meter reading, the evolution of the City's system would eventually escape any human efficiencies.

Barbara Buus, Management Coordinator, Utility Services Department, stated the reason for the price differential was in the actual cost of the meter reading device. It was higher than that of a conventional meter. In terms of the transitioning from conventional meters and reading over two hundred thousand meters a month, she said they would have to do that in a way that allowed them to read by one of those two mechanisms. That meant that to go to one hundred percent of the automatic meter reading devices would be quite difficult in terms of routing.

Ms. Buus pointed out that at end of Attachment B, there was an estimate of the quantity of each type of meter they would do. She said approximately twenty-five percent of the meters they expected to install this year would be automatic meter reading devices, and approximately fifty percent next year. In addition, they had an agreement effective this past October with the Southern Arizona Home Builders Association, that as they review their plans in subdivisions, the metering staff will look at those plans and



determine where it would be most effective to install these meters, with the participation of the developer, and the developers would be notified. She stated the last time she looked at that list of plans that was scheduled to be put in place the next couple of years, there were probably almost one hundred plans identified for the meters.

Council Member Leal said he would still like to see the annual cost for staff to read the meters, and a comparison, which could be expressed as the difference per thousand units.

Council Member Leal said the second area of questioning he had was towards the back of Attachment B, in the section titled, "Summary of Projected Revenues from Installation and Miscellaneous Fees at Proposed Rates." He said it would be helpful to have the context in which those numbers came to life; what percent of cost recovery did those dollars represent. He asked for that to be provided to the Council the next time this item came before them. He also asked Ms. Pearthree for the percent of cost recovery of both direct and indirect cost, and if that number could be listed in an adjacent column.

Ms. Pearthree stated they would get that for the Council, and said for now she could give the Council a general idea, as she had the numbers.

Council Member Leal asked if the numbers were direct or indirect.

Ms. Pearthree replied that they were general contributions to the revenues from each of those streams. They were not broken out in terms of direct and indirect.

Vice Mayor West wanted to clarify that this had to do with the miscellaneous fees that were charged. They were not dealing with water rates, and asked if that was correct.

Ms. Pearthree stated that was correct, they were miscellaneous fees.

Vice Mayor West repeated they were miscellaneous fees that were charged for connections. She said they were honor bound, if something costs less, to decrease, which was the reason they had some that were decreased. She commended Tucson Water for doing the studies, because she thought that was very important.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, Leal, and Trasoff;  
Vice Mayor West and Mayor Walkup

Nay: None

Resolution 20486 was declared passed and adopted by a roll call vote of 7 to 0, and staff was directed to file the proposed fee schedule in the City Clerk's Office and set December 5, 2006 for the public hearing regarding the proposed fee.

**12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 576, dated October 24, 2006, would be received into and made a part of the record. He asked if there were any personal appointments to be made.

Vice Mayor West announced her personal appointment of Ruth Wojcik as the Ward 2 representative to the Board of Adjustment.

Mayor Walkup asked if there were any other personal appointments. There were none.

**13. ADJOURNMENT 7:17 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, November 7, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 24th day of October 2006, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:sac:jr